REMARKS

Claims 37-45 are objected to. Claims 1-13, 16-25, 30-42, 44, and 46 stand under 35

U.S.C. 103(a) as being unpatentable over Beeler, JR. (U.S. Pub. No. US 2004/0083245,

hereinafter Beeler) in view of Schutzman et al. (U.S. Pat. No. 6,505,216, hereinafter Schutzman)

and Goddard (U.S. Pat. No. 6,883,110, hereinafter Goddard). Claims 14-15, 43, and 45 stand

rejected under 35 U.S.C. § 103(a) as unpatentable over Beeler, Schutzman, and Goddard in view

of Padmanabhan et al. (U.S. Patent 7,296,088, hereinafter Padmanabhan).

Applicants thank the Examiner for the telephone interview of July 30, 2008. We

discussed the present invention and a proposed amendment. The Examiner suggested a change

in the amendment to claim 37, to which Applicants agreed. The Examiner suggested additional

limitations to the independent claims, to which Applicants also agreed.

Response to objections to the claims

Claims 37-45 are objected to as the specification does not recite a computer readable

storage medium. As suggested, Applicants have amended claims 37-42 and 44 to be directed to

"A programmable hardware device storing executable code that is executed on a processor to

carry out a method…" The amendment is well supported by the specification. See page 8, ¶ 31-

33. Applicants therefore submit that as amended claims 37-42 and 44 are supported by the

specification. Claims 43 and 45 are canceled.

Amendments to the Claims

In addition to the amendments described above, Applicants have amended claim 1 with the limitation "…wherein the source client and the plurality of target clients are organized in a grid computing system with client usage fees determined by a subscription manager…" The amendment is well supported by the specification. See pages 31-32, ¶ 105.

Applicants have also amended claim 1 with the limitation "…wherein each physical distance between each target client is not less than a minimum distance packet proximity parameter and not more than a maximum distance packet proximity parameter…" The amendment is well supported by the specification. See page 20, ¶ 71 – page 21, ¶ 72.

Claims 16, 19, 30, 36, 37, and 46 are similarly amended. Claims 14, 21, 43, and 45 are canceled. Claims 17, 18, 22, and 23 are amended to depend from pending claims and/or conform to amended predecessor claims.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 1-13, 16-25, 30-42, 44, and 46 stand under 35 U.S.C. 103(a) as being unpatentable over Beeler in view of Schutzman and Goddard. Claims 14-15, 43, and 45 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Beeler, Schutzman, and Goddard in view of Padmanabhan.

Independent claim 1 includes the limitations:

> a client request module configured to receive data to be backed up from a source client;

a sequence module configured to generate a non-transparent sequence of a plurality of target clients, wherein the non-transparent sequence comprises an order that a plurality of backup data packets are stored on the plurality of target clients and the non-transparent sequence is unique and exclusively accessible to a global sequence manager; and

a packet storage module configured to store the data on the plurality of target clients according to the non-transparent sequence, wherein **the source client and the plurality of target clients are organized in a grid computing system with client usage fees determined by a subscription manager and each physical distance between each target client is not less than a minimum distance packet proximity parameter and not more than a maximum distance packet proximity parameter**.

Claims 16, 19, 30, 36, 37, and 46 include similar limitations. Applicants submit that Beeler, Schutzman, and Goddard do not disclose clients organized in a grid computer system with client usage fees determined by a subscription manager and each physical distance between each client is not less than a minimum distance packet proximity parameter and not more than a maximum distance packet proximity parameter as we discussed.

Because Beeler, Schutzman, Goddard, and Padmanabhan do not teach each element of the claimed invention, Applicant submits that claims 1, 16, 19, 30, 36, 37, and 46 are allowable, and that claims 2-13, 15, 17, 18, 20, 22-25, 31-35, 38-42, and 44 are allowable as depending from allowable claims. Claims 14, 21, 43, and 45 are canceled.

Conclusion

As a result of the presented remarks, Applicants assert that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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